

**USARNORTH OPORD (AN-OPORD-19-010) FOR DOD SUPPORT TO CBP
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PAGE MUST JOIN THE UNIT PRIOR TO ACCESSIONING PRODUCTS. NEW MEMBERS OF THE UNIT WILL BE IMMEDIATELY APPROVED.

4.F.10. (U) ALL IMAGERY SHOULD FOCUS ON DOD EFFORTS IN SUPPORT OF CUSTOMS AND BORDER PATROL WITHOUT IDENTIFYING ANY MIGRANTS OR U.S. CITIZENS. OPERATIONAL SECURITY MUST BE CONSIDERED AT ALL TIMES. IMAGERY WILL BE CAPTURED BY PUBLIC AFFAIRS AND COMBAT CAMERA PERSONNEL ONLY. UNITS MUST DISCOURAGE NONPUBLIC AFFAIRS OR COMCAM PERSONNEL FROM TAKING AND RELEASING PHOTOS TO INCLUDE PERSONAL SOCIAL MEDIA SITES. ALL RELEASE AUTHORITY REMAINS AT USNORTHCOM UNTIL FURTHER NOTICE. IMAGERY THAT CONTAINS WEAPONS WILL NOT BE APPROVED FOR PUBLIC RELEASE. ANY IMAGERY THAT HIGHLIGHTS DOD MEDICAL SUPPORT OR FORCE PROTECTION SUPPORT TO CBP OPERATIONS, FOLLOW N-NC IMAGERY GUIDANCE FOR DOD MEDICAL SUPPORT

4.F.11. (U) ALL IMAGERY WILL INCLUDE THIS STINGER AT THE END: U.S. NORTHERN COMMAND IS PROVIDING MILITARY SUPPORT TO THE DEPARTMENT OF HOMELAND SECURITY AND CBP TO SECURE THE SOUTHERN BORDER OF THE UNITED STATES.

4.F.12. (U) ALL IMAGERY AT A MINIMUM SHOULD INCLUDE THE FOLLOWING TAGS INSERTED INTO THE DVIDS METADATA: U.S. NORTHERN COMMAND, USNORTHCOM, U.S. ARMY NORTH, ARNORTH, CUSTOMS AND BORDER PROTECTION, CBP, DEPARTMENT OF HOMELAND SECURITY, DHS, DEPARTMENT OF DEFENSE, DOD, SOUTHWEST BORDER, SWB, BORDER SECURITY, BORDER PROTECTION, DEFENSE SUPPORT TO CIVIL AUTHORITY, DSCA.

4.F.13. (U) FOR QUESTIONS REGARDING THIS GUIDANCE, CONTACT THE ARNORTH PUBLIC AFFAIRS OFFICE AT [REDACTED] EMAIL [REDACTED]

4.G. (U) **LEGAL.**

4.G.1. (U) **PURPOSE.** THIS PARAGRAPH ADDRESSES THE LEGAL ASPECTS OF THE FOLLOWING APPROVED REQUEST FOR ASSISTANCE (RFA) MISSION SETS CURRENTLY BEING PERFORMED BY TITLE 10 PERSONNEL ALONG THE SOUTHERN BORDER IN SUPPORT OF CUSTOMS AND BORDER PROTECTION (CBP), A LAW ENFORCEMENT AGENCY OF THE FEDERAL GOVERNMENT: RFA #4 - MOBILE SURVEILLANCE CAMERA (MSC); RFA #7 - CRISIS RESPONSE FORCE (CRF); RFA #8 – DRIVERS AND ADMINISTRATIVE DUTIES (DAD); AND RFA #9 - OPERATION GUARDIAN SUPPORT (OGS). 4.G.2. (U) **LEGAL BRIEF BEFORE DEPLOYMENT FROM HOME STATION.** AN USARNORTH JRSOI TEAM WILL COORDINATE WITH AND PROVIDE THE NECESSARY BRIEFINGS BEFORE UNITS DEPART FROM HOME STATION TO SUPPORT THE SOUTHERN BORDER MISSION. A LEGAL BRIEF WILL BE PART OF THE JRSOI BRIEFINGS AND WILL COVER THE FOLLOWING SUBJECTS, WHICH ARE MENTIONED IN SUBPARAGRAPHS BELOW: (1) POSSE COMITATUS ACT (PCA); (2) STANDING RULES FOR THE USE OF FORCE (SRUF) WITH VIGNETTES, INCLUDING ISSUING A SRUF CARD OR BROCHURE TO EACH SERVICE MEMBER; (3) THE PROHIBITION AGAINST DEPLOYING WITH, POSSESSING, OR CARRYING A PRIVATELY OWNED WEAPON AND AMMUNITION DURING THE SOUTHERN BORDER MISSION, AND, (4) THE CDRUSARNORTH'S, GENERAL ORDER NUMBER ONE.

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4.G.3. (U) THE POSSE COMITATUS ACT (PCA).

4.G.3.A. (U) THE PCA APPLIES TO ALL ACTIVE DUTY AND RESERVE COMPONENT MILITARY PERSONNEL SERVING IN A TITLE 10 STATUS AND ALL DOD CIVILIAN AND CONTRACT PERSONNEL SERVING UNDER THE CONTROL OF A TITLE 10 OFFICER. AS A GENERAL RULE, THIS ACT PROHIBITS DOD MILITARY AND CIVILIAN PERSONNEL FROM PARTICIPATING IN OR PROVIDING DIRECT LAW ENFORCEMENT ASSISTANCE, SUCH AS INTERDICTION OF A VEHICLE, VESSEL, AIRCRAFT, OR SIMILAR ACTIVITY; A SEARCH OR SEIZURE; AN ARREST, APPREHENSION, STOP AND FRISK; ENGAGING IN INTERVIEWS, INTERROGATIONS, CANVASSING, OR QUESTIONING OF POTENTIAL WITNESSES OR SUSPECTS, OR SIMILAR ACTIVITY; EVIDENCE COLLECTION; SECURITY PATROL OR FUNCTIONS; CROWD AND TRAFFIC CONTROL; OPERATING, MANNING, STAFFING CHECKPOINTS; SURVEILLANCE OR PURSUIT OF INDIVIDUALS, VEHICLES, ITEMS, TRANSACTIONS, OR PHYSICAL LOCATIONS; AND ACTING AS AN UNDERCOVER AGENT, INFORMANT, INVESTIGATOR, OR INTERROGATOR; OR OTHER SIMILAR POLICE FUNCTIONS, TO FEDERAL, STATE, OR LOCAL LAW ENFORCEMENT AUTHORITIES, UNLESS THERE IS A CONSTITUTIONAL OR ACT OF CONGRESS EXCEPTION.

4.G.3.B. (U) THE MSC (DETECTION, SURVEILLANCE, MONITORING, AND COMMUNICATING), CRF (PROTECT CBP PERSONNEL), OGS (POE AND AERIAL DETECTION, MONITORING, AND REPORTING), AND DAD (TRANSPORTING MIGRANTS) MISSIONS EACH FALL UNDER EITHER A CONSTITUTIONAL OR ACT OF CONGRESS EXCEPTION TO THE PCA THAT HAVE BEEN APPROVED BY EITHER THE PRESIDENT, SECRETARY OF DEFENSE (SECDEF), OR ACTING SECDEF.

4.G.3.C. (U) ADDITIONAL GUIDANCE FOR THE CRF, MSC, AND OGS MISSIONS IS PROVIDED BELOW IN SUBPARAGRAPHS 4.G.5., 4.G.6., AND 4.G.7.

4.G.3.D. (U) COORDINATION WITH AN USARNORTH LEGAL ADVISOR IS REQUIRED BEFORE COMMITTING OR PERMITTING DOD PERSONNEL TO PERFORM ANY OTHER LAW ENFORCEMENT ACTIVITIES IN SUPPORT OF THE CBP OR ANY OTHER LAW ENFORCEMENT AUTHORITY.

4.G.4. (U) STANDING RULES FOR THE USE OF FORCE (SRUF).

4.G.4.A. (U) THE SRUF IN ENCLOSURES L AND N TO CJCSI 3121.01B COMPLY WITH THE FOURTH AMENDMENT TO THE UNITED STATES CONSTITUTION AND APPLY TO ALL DOD MILITARY AND CIVILIAN PERSONNEL PERFORMING ANY DOD MISSIONS WITHIN UNITED STATES TERRITORY, INCLUDING SUPPORT OF THE SOUTHERN BORDER MISSION.

4.G.4.B. (U) COMMANDERS MAY SUBMIT REQUESTS FOR MODIFICATIONS TO THE SRUF THROUGH THE CHAIN OF COMMAND TO CJCS TO THE SECDEF FOR APPROVAL.

4.G.4.C. (U) MILITARY AND CIVILIAN PERSONNEL UNDER DOD CONTROL AND USING THESE SRUF OR MISSION-SPECIFIC RUF, BUT OPERATING IN COORDINATION WITH ON-SCENE FEDERAL AGENCY OFFICIALS OR CONTRACT SECURITY FORCES, WILL ENSURE A COMMON UNDERSTANDING OF THE DOD SRUF. NOTIFICATION THROUGH THE CHAIN OF COMMAND AND THE COMMANDER, USARNORTH, THROUGH CDRUSNORTHCOM TO THE SECDEF IS NECESSARY WHEN USE OF FORCE ISSUES CANNOT BE RESOLVED.

4.G.4.D. (U) COMMANDERS AT ALL LEVELS HAVE A CONTINUING REQUIREMENT TO TEACH AND TRAIN THEIR PERSONNEL ON THE SRUF IN

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ANTICIPATION OF PARTICIPATING IN ANY DSCA OPERATION. CONSISTENT WITH THE CURRENT CJCS DSCA EXORD AND USNORTHCOM OPORD 01-17, UNITS SHOULD NOT DEPLOY FROM HOME STATION UNTIL UNIT COMMANDERS ENSURE THEIR TITLE 10 PERSONNEL ARE BRIEFED ON THE SRUF AND ISSUED A SRUF CARD OR BROCHURE.

4.G.4.E. (U) ALL DOD PERSONNEL WILL IMMEDIATELY REPORT VIOLATIONS OF OR NON-COMPLIANCE WITH THESE SRUF TO THEIR COMMANDER. COMMANDERS WHO RECEIVE A REPORT OF A VIOLATION OF OR NON-COMPLIANCE WITH THESE SRUF WILL IMMEDIATELY CONDUCT AN INFORMAL PRELIMINARY INQUIRY TO DETERMINE WHETHER THERE IS ANY INFORMATION INDICATING THAT A VIOLATION WAS COMMITTED OR NON-COMPLIANCE OCCURRED AND TO PRESERVE THE EVIDENCE. IF THE COMMANDER DETERMINES A VIOLATION HAS OCCURRED, HE WILL APPOINT AN OFFICER TO CONDUCT A MORE EXTENSIVE INVESTIGATION. IMMEDIATELY REPORT SUSPECTED VIOLATIONS/NON-COMPLIANCE AND THE STATUS OF THE INQUIRY/INVESTIGATION THROUGH THE CHAIN OF COMMAND AND THE COMMANDER, USARNORTH, ATTN: SJA TO CDRUSNORTHCOM, ATTN: SJA.

4.G.5. (U//FOUO) CDRUSNORTHCOM'S APPROVED LEGAL GUIDANCE FOR MSC OPERATORS.

4.G.5.A. (U) DOD PERSONNEL PERFORMING THE MSC MISSION WILL NOT TESTIFY CONCERNING OBSERVATIONS MADE DURING OPERATIONS WITHOUT PRIOR COORDINATION WITH AND AUTHORIZATION IAW SERVICE REGULATIONS.

4.G.5.B. (U) DOD PERSONNEL MAY OPERATE THE CBP MSC SYSTEMS UTILIZING ELECTRO-OPTICAL (EO)/INFRARED (IR)/ AND LOCATION AND RANGE FINDING (LRF) CAPABILITIES TO SCAN FOR AND IDENTIFY THE LOCATION OF INDIVIDUALS OR VEHICLES SUSPECTED OF ENTERING THE UNITED STATES ILLEGALLY.

4.G.5.C. (U) CBP MSC EO/IR/LRF CAPABILITIES OF THE SYSTEMS WILL ONLY BE OPERATED BY DOD PERSONNEL WHEN THE MSC SYSTEMS ARE STATIONARY.

4.G.5.D. (U) DOD PERSONNEL MAY ASSIST CBP IN MOVEMENT OF THE MSC SYSTEMS TO ALTERNATE PREDESIGNATED LOCATIONS ONLY WHEN ALL SENSOR CAPABILITY IS TURNED OFF. NO OPERATION OF CBP MSC EO/IR/LRF CAPABILITIES IS AUTHORIZED DURING MOVEMENT OF MSC SYSTEM PLATFORMS.

4.G.5.E. (U) DOD PERSONNEL OPERATING THE CBP MSC SYSTEMS MAY REPORT TO CBP THE FOLLOWING INFORMATION REGARDING INDIVIDUALS OR VEHICLES SUSPECTED OF ENTERING THE UNITED STATES ILLEGALLY: (1) TIME OF INITIAL OBSERVATION, (2) LOCATION OF INDIVIDUALS OR VEHICLES, (3) PRESENCE OF WEAPONS AND NUMBERS IF OBSERVED, AND (4) COMPOSITION AND DESCRIPTION OF GROUP OR VEHICLES TO ALLOW IDENTIFICATION AND INTERDICTION BY CBP.

4.G.5.F. (U) DOD PERSONNEL MAY ALSO REPORT TO CBP THE CHANGE IN DIRECTION, LOCATION, AND SPEED OF MOVEMENT, AS LONG AS THE INDIVIDUALS OR VEHICLES CAN BE OBSERVED FROM THE STATIONARY CBP MSC SYSTEM PLATFORM.

4.G.5.G. (U) DOD PERSONNEL MAY ALSO REPORT TO CBP

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INFORMATION REGARDING A DIRECT THREAT TO CBP OR DOD PERSONNEL EXHIBITED BY THE IDENTIFIED INDIVIDUALS OR VEHICLES FOR FORCE PROTECTION.

4.G.5.H. (U) DOD PERSONNEL ARE PROHIBITED FROM MOVING THE CBP MSC SYSTEM VEHICLES TO NEW LOCATIONS FOR THE PURPOSE OF CONTINUING TO TRACK PREVIOUSLY IDENTIFIED INDIVIDUALS OR VEHICLES THAT ARE NO LONGER VISIBLE FROM THE MSC SYSTEM SITE WHERE ORIGINALLY OBSERVED.

4.G.5.I. (U) EXCEPT AS DESCRIBED ABOVE, DOD PERSONNEL ARE PROHIBITED FROM COLLECTING INFORMATION CONCERNING, OR REPORTING TO CBP, THE ACTIVITIES OF THE INDIVIDUALS OR VEHICLES AS SUSPECTED OF ENTERING THE UNITED STATES ILLEGALLY TO CBP.

4.G.5.J. (U) DOD PERSONNEL WILL NOT ASSIST CBP PERSONNEL IN DOWNLOADING ANY DATA FROM THE CBP MSC SYSTEMS.

4.G.5.K. (U) DOD PERSONNEL OPERATING CBP MSC SYSTEMS WILL COMPLY WITH RESTRICTIONS AND GUIDANCE IN DODI 3025.21 REGARDING THE PROHIBITION OF DOD PERSONNEL PARTICIPATING OR PROVIDING DIRECT LAW ENFORCEMENT ASSISTANCE TO CIVILIAN LAW ENFORCEMENT AUTHORITIES.

4.G.5.L. (U) DOD PERSONNEL OPERATING MSC SYSTEMS WILL NOT PARTICIPATE IN THE MISSION DESCRIBED AT PARAGRAPH 3.A.2.F.4. OF REVISION 001 TO DOD SUPPORT TO DEPARTMENT OF HOMELAND SECURITY EXORD DTD 2213202 NOV 18, WHICH IS THE PROTECTION OF CBP PERSONNEL AND OTHER U.S. GOVERNMENT PERSONNEL WHO ARE PERFORMING FEDERAL FUNCTIONS AT A PORT OF ENTRY (POE).

4.G.5.M. (U) OPERATION OF CBP MSC SYSTEMS IS NOT EVIDENCE COLLECTION AND IS IAW PARAGRAPH 1d(5)(b) OF ENCLOSURE 3 OF DODI 3025.21.

4.G.6. (U) **SECDEF'S APPROVED LEGAL GUIDANCE FOR PROTECTION OF CBP PERSONNEL AT POE(S).**

4.G.6.A. (U) THE PRESIDENT DIRECTED DOD TO TEMPORARILY PROTECT CBP AND OTHER U.S. GOVERNMENT PERSONNEL WHO ARE PERFORMING FEDERAL FUNCTIONS AT OR ADJACENT TO DESIGNATED POE(S). AS REASONABLY NECESSARY, JFLCC PERSONNEL WILL PROTECT CBP AND U.S. GOVERNMENT PERSONNEL PERFORMING FEDERAL FUNCTIONS AT OR ADJACENT, WITHIN 300 METERS, TO DESIGNATED POE(S). PROTECTION WILL ONLY BE EMPLOYED IN CIRCUMSTANCES WHERE PROTECTED PERSONNEL FACE A THREAT OF DEATH OR SERIOUS BODILY HARM. PROTECTION INCLUDES THE CONTINUUM OF THE USE OF FORCE. JFLCC PERSONNEL WILL NOT PARTICIPATE IN OTHER DIRECT CIVILIAN LAW-ENFORCEMENT TYPE ACTIVITIES, SUCH AS ARREST, SEARCH AND SEIZURE, BUT SEE PARAGRAPH 4.G.6.C. BELOW.

4.G.6.B. (U) JFLCC PERSONNEL WILL NOT INTENTIONALLY BE CO-MINGLED WITH CIVILIAN LAW ENFORCEMENT NOR WILL THEY BE USED TO SUPPLEMENT CBP OR OTHER LAW ENFORCEMENT PERSONNEL. IN THIS CONTEXT, SUPPLEMENT MEANS SUPPLANTING CBP/OTHER LAW ENFORCEMENT PERSONNEL IN THEIR SWORN LAW ENFORCEMENT AND/OR FEDERAL FUNCTIONS.

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4.G.6.C. (U) PROTECTION OF CBP OR OTHER U.S. GOVERNMENT PERSONNEL AT OR ADJACENT TO POE(S) WILL BE IN ACCORDANCE WITH THE SRUF, AND MAY REQUIRE ACTIONS INCLUDING, BUT NOT LIMITED TO, SHOW OF FORCE, CROWD CONTROL, TEMPORARY DETENTION, CURSORY SEARCHES, AND PROPORTIONAL USE OF FORCE FOR THE PROTECTION OF CBP PERSONNEL.

4.G.6.D. (U) PROTECTION OF CBP OR OTHER U.S. GOVERNMENT PERSONNEL PERFORMING FEDERAL FUNCTIONS AT OR ADJACENT TO DESIGNATED POE(S) DOES NOT INCLUDE THE PROTECTION OF CBP OR OTHER U.S. GOVERNMENT PROPERTY, EXCEPT WHEN DEEMED NECESSARY TO PROTECT AGAINST DEATH OR BODILY INJURY TO DOD, CBP, AND OTHER U.S. GOVERNMENT PERSONNEL PERFORMING FEDERAL FUNCTIONS.

4.G.6.E. (U) JFLCC PERSONNEL PROTECTING CBP PERSONNEL MAY HAVE DIRECT CONTACT WITH MIGRANTS IF SUCH CONTACT IS REQUIRED IN THE COURSE OF PROTECTING CBP PERSONNEL.

4.G.6.F. (U) JFLCC MILITARY PERSONNEL MAY, AS NECESSARY, TEMPORARILY DETAIN INDIVIDUALS FOR A BRIEF PERIOD OF TIME TO RESOLVE A THREAT TO THE SAFETY AND SECURITY OF DOD FORCES, CBP AND OTHER U.S. GOVERNMENT FORCES PERFORMING THEIR FEDERAL FUNCTIONS AT OR ADJACENT TO A DESIGNATED POE, AND OTHER NON-DOD PERSONS IN THE VICINITY WHOSE DEFENSE IS DIRECTLY RELATED TO THE ASSIGNED MISSION.

4.G.6.G. (U) JFLCC FORCES MAY TEMPORARILY DETAIN INDIVIDUALS WHO: GAIN UNAUTHORIZED ACCESS TO PERIMETERS OR OTHER SECURED AREAS ESTABLISHED PURSUANT TO ASSIGNED DOD MISSIONS; REFUSE TO DEPART AN ESTABLISHED PERIMETER OR SECURED AREA AFTER BEING DENIED ACCESS; AND/OR OTHERWISE THREATEN THE SAFETY AND SECURITY OF DOD FORCES, OTHER NON-DOD PERSONS IN THE VICINITY WHOSE DEFENSE IS DIRECTLY RELATED TO THE ASSIGNED MISSION, OR PROPERTY SECURED BY DOD FORCES.

4.G.6.H. (U) DETAINED PERSONS, AND ANY OF THEIR PROPERTY THAT WAS SECURED, WILL BE RELEASED TO THE CUSTODY OF CBP OR OTHER APPROPRIATE LAW ENFORCEMENT AUTHORITIES AT THE EARLIEST OPPORTUNITY CONSISTENT WITH MISSION ACCOMPLISHMENT. CBP EXPECTATION FOR TRANSFER IS SECONDS TO MINUTES, DEPENDING ON THE SITUATION.

4.G.6.I. (U) DETAINED INDIVIDUALS, THEIR VEHICLES, AND ANY PROPERTY WITHIN THEIR CONTROL MAY BE SEARCHED AS A FORCE PROTECTION MEASURE IN ORDER TO ENSURE THE SAFETY AND SECURITY OF DOD FORCES AND OTHER NON-DOD PERSONS IN THE VICINITY.

4.G.6.J. (U) VEHICULAR THREATS. WEAPONS MAY BE FIRED AT A MOVING VEHICLE OR WATERCRAFT WHEN DOD FORCES HAVE A REASONABLE BELIEF THAT THE VEHICLE OR WATERCRAFT POSES AN IMMINENT THREAT OF DEATH OR SERIOUS BODILY HARM TO DOD FORCES. WEAPONS MAY ALSO BE FIRED AT A MOVING VEHICLE OR WATERCRAFT POSING AN IMMINENT THREAT OF DEATH OR SERIOUS BODILY HARM TO NON-DOD PERSONS IN THE VICINITY WHEN DOING SO IS DIRECTLY RELATED TO THE ASSIGNED MISSION.

4.G.6.K. (U) CONFRONTATION WITH CIVILIANS. JFLCC FORCES WILL ATTEMPT TO AVOID CONFRONTATION WITH INDIVIDUALS WHO POSE NO THREAT TO THE UNIT, TO OTHER NON-DOD PERSONS IN THE VICINITY, OR TO PROPERTY SECURED BY DOD FORCES. IF CONFRONTATION APPEARS LIKELY, JFLCC

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FORCES WILL INCREASE THEIR SELF-DEFENSE READINESS POSTURE AND NOTIFY APPROPRIATE CIVILIAN LAW ENFORCEMENT AUTHORITIES OR SECURITY AGENCY PERSONNEL AS SOON AS PRACTICABLE. IF FEASIBLE, WITHOUT INCREASING THE DANGER TO DOD FORCES OR OTHER NON-DOD PERSONS IN THE VICINITY, AN ORAL WARNING TO CEASE THREATENING ACTIONS WILL BE GIVEN BEFORE USING FORCE.

4.G.6.L. (U) ALL MILITARY POLICE PERSONNEL WILL DEPLOY WITH MP SHOULDER BRASSARDS OR OTHER SERVICE SPECIFIC UNIFORM INSIGNIA.

4.G.7. (U) **ACTING SECDEF'S APPROVAL OF TEMPORARY EXCEPTION TO POLICY FOR DAD PERSONNEL.**

4.G.7.A. (U) THE HIGH-CAPACITY TRANSPORTATION TASK INVOLVES DOD MILITARY PERSONNEL SERVING AS LICENSED DRIVERS TO OPERATE CBP BUSES TO TRANSPORT MIGRANT FROM REMOTE LOCATIONS, POE(S), AND BORDER STATIONS TO IMMIGRATION DETENTION FACILITIES.

4.G.7.B. (U) THE ADMINISTRATIVE DUTIES TASK PERTAINS TO DOD MILITARY PERSONNEL HEATING AND DISTRIBUTING MEALS, SNACKS, AND REFRESHMENTS, AND DOCUMENTING THE PROVISION OF CARE TO MIGRANTS IN THE DETENTION FACILITIES.

4.G.7.C. (U) THE ACTING SECDEF HAS APPROVED A TEMPORARY EXCEPTION TO THE "NO CONTACT WITH MIGRANTS" POLICY FOR DOD MILITARY PERSONNEL PARTICIPATING IN THESE ACTIVITIES, SUBJECT TO THE CONDITION THAT DOD PERSONNEL ARE PERMITTED TO PERFORM THESE DUTIES ONLY WHEN CBP LAW ENFORCEMENT PERSONNEL: (1) ARE PRESENT WHEN MILITARY PERSONNEL ARE IN PROXIMITY TO MIGRANTS, (2) CONDUCT ALL CUSTODIAL AND LAW ENFORCEMENT DUTIES WITH THE MIGRANTS, AND (3) PROTECT MILITARY PERSONNEL WHEN IN THE PROXIMITY OF MIGRANTS.

4.G.8. (U) **SECDEF'S APPROVED LEGAL GUIDANCE FOR OGS.**

4.G.8.A. (U) TITLE 10 PERSONNEL PERFORMING THE OGS MISSION ARE BARRED FROM UNDERTAKING CIVILIAN LAW ENFORCEMENT FUNCTIONS, CONSISTENT WITH THE POSSE COMITATUS ACT AND SECTION 275 OF TITLE 10 OF THE U.S. CODE (DODI 3025.21).

4.G.8.B. (U) ALL PREVIOUSLY STATED RESTRICTIONS GOVERNING THE EMPLOYMENT OF DOD PERSONNEL IN SUPPORT OF CBP OGS MISSION REMAIN EFFECTIVE.

4.G.9. (U//FOUO) **INTELLIGENCE AND INFORMATION.**

4.G.9.A. (U//FOUO) THE CBP OR OTHER QUALIFYING ENTITY HAS OVERALL RESPONSIBILITY FOR THE PROPER USE OF INFORMATION RECEIVED DURING THE SOUTHERN BORDER MISSION, AS WELL AS THE RETENTION AND FURTHER DISSEMINATION, OF ANY FINAL INCIDENT AWARENESS AND ASSESSMENT (IAA) PRODUCTS PRODUCED BY DOD IN SUPPORT OF THE SOUTHERN BORDER MISSION. DOD NON-INTELLIGENCE PERSONNEL IN A TITLE 10 STATUS, AND DOD INTELLIGENCE COMPONENT (DIC) PERSONNEL SUPPORTING THE SOUTHERN BORDER MISSION MAY ONLY COLLECT U.S. PERSON INFORMATION (USPI) OR PERSONALLY IDENTIFIABLE INFORMATION (PII) ABOUT INDIVIDUALS AND ORGANIZATIONS NOT AFFILIATED WITH DOD IAW DODD 5200.27, DODI 3025.21, DODI 5505.17, DODI 5525.18, AND DODM 5240.01. MILITARY INTELLIGENCE ASSETS WILL NOT ENGAGE IN INTELLIGENCE COLLECTION ACTIVITIES AGAINST U.S. PERSONS, UNLESS THE FOREIGN INTELLIGENCE OR COUNTERINTELLIGENCE MISSION OF THE INTELLIGENCE ORGANIZATION

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INCLUDES COLLECTION ON U.S. PERSONS AND THE LAW AUTHORIZES THE COLLECTION, IAW EXECUTIVE ORDERS 12333 AND 13470, AND DODD 5240.01, DODM 5240.01, AND DOD 5240.1-R.

4.G.9.B. (U//FOUO) INFORMATION AND INTELLIGENCE COLLECTION. INFORMATION MAY NOT BE COLLECTED ON NON-DOD AFFILIATED PERSONS BY NON-INTELLIGENCE COMPONENT MILITARY PERSONNEL OR INTELLIGENCE PERSONNEL PERFORMING NON-INTELLIGENCE DUTIES, (1) UNLESS A DOD NEXUS HAS BEEN ESTABLISHED AND EXCEPTIONS PROVIDED BY DODD 5200.27 HAVE BEEN SATISFIED, OR (2) UPON SPECIFIC PRIOR AUTHORIZATION OF THE SECDEF OR HIS DESIGNEE. SPECIFICALLY, INFORMATION MAY BE COLLECTED ON NON-DOD AFFILIATED PERSONS BY MILITARY PERSONNEL DURING THE SOUTHERN BORDER MISSION ONLY IF THESE PERSONS REASONABLY CONSTITUTE A THREAT TO DOD MILITARY AND CIVILIAN PERSONNEL OR DEFENSE ACTIVITIES AND INSTALLATIONS, INCLUDING VESSELS, AIRCRAFT, COMMUNICATIONS EQUIPMENT, AND SUPPLIES. IN SHORT, THERE MUST BE A CLEAR AND ARTICULABLE REASON TO BELIEVE SUCH PERSONS REPRESENT A DIRECT THREAT TO DOD PERSONNEL, MISSIONS, RESOURCES OR PROPERTY. ADDITIONAL MANDATORY COLLECTION LIMITATIONS ARE IMPOSED BY DODI 5505.17, REGARDING THE ACQUISITION OF PII, AND DODI 5525.18 PERTAINING TO THE COLLECTION OF CRIMINAL INTELLIGENCE (CRIMINT). FURTHER, DODI 1000.29, DOD CIVIL LIBERTIES PROGRAM, NOW REQUIRES CONSIDERATION OF DOD MILITARY AND CIVILIAN PERSONNEL, AS WELL AS NON-DOD AFFILIATED PERSONNEL CIVIL LIBERTIES DURING THE CONDUCT OF ANY MISSIONS, IAW PROCEDURES DESCRIBED THEREIN. ALL NON-INTELLIGENCE PERSONNEL SHOULD FAMILIARIZE THEMSELVES WITH THESE PUBLICATIONS. ALL DOD PERSONNEL SHOULD BE AWARE OF THE DISTINCTIONS BETWEEN U.S. PERSONS (USPS) AND NON-DOD AFFILIATED PERSONS (NDAPS). USPS CONSIST OF U.S. CITIZENS AND LAWFUL PERMANENT RESIDENT ALIENS. NDAPS CONSIST OF ANYONE, REGARDLESS OF CITIZENSHIP, LOCATED IN THE U.S. WHO HAVE NO RELATIONSHIP, FAMILIAL, PROFESSIONAL, OFFICIAL OR OTHERWISE WITH A MEMBER OF THE DOD OR U.S. ARMED SERVICES, OR DIRECTLY WITH THE DOD OR THE U.S. ARMED SERVICES.

4.G.9.C. (U//FOUO) DEFENSE-RELATED FOREIGN INTELLIGENCE AND COUNTERINTELLIGENCE. ONLY DEFENSE-RELATED FOREIGN INTELLIGENCE AND COUNTERINTELLIGENCE INFORMATION MAY BE COLLECTED ON U.S. PERSONS DURING THE COURSE OF THE SOUTHERN BORDER MISSION, AND ONLY IAW DODD 5240.01, DOD 5240.1-R, DODM 5240.01, EXECUTIVE ORDER 12333, AND EXECUTIVE ORDER 13470. ANY OTHER INFORMATION INCIDENTALLY ACQUIRED REGARDING USPS INDICATING A VIOLATION OF LAW SHALL BE PROVIDED TO LAW ENFORCEMENT OFFICIALS OR THE FBI IAW PROCEDURE 12 OF DOD 5240.1-R.

4.G.9.D. (U//FOUO) THE USARNORTH INSPECTOR GENERAL (IG) IS RESPONSIBLE FOR PROVIDING OVERSIGHT AND ENSURING COMPLIANCE WITH APPROPRIATE INTELLIGENCE OVERSIGHT POLICY AND REGULATIONS. QUESTIONABLE OR ILLEGAL COLLECTION ACTIVITIES MUST BE REPORTED THROUGH THE CHAIN OF COMMAND TO THE COMMANDER, USARNORTH, ATTN: IG TO DEPARTMENT OF THE ARMY, ATTN: IG. THE CONTENTS OF THE REPORT TO THE COMMANDER, USARNORTH, WILL INCLUDE THE DESCRIPTION OF THE

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INCIDENT; DATE, TIME, AND PLACE OF THE INCIDENT; SUMMARY OF THE INCIDENT; AND STATUS OF THE INCIDENT.

4.G.9.E. (U//FOUO) ONLY THE USARNORTH PROVOST MARSHAL'S OFFICE (PMO) IS AUTHORIZED AND RESPONSIBLE FOR DEVELOPING AND MAINTAINING CRIMINAL INTELLIGENCE (CRIMINT). THE ACQUISITION AND STORAGE OF INFORMATION CONCERNING NDAPS AND ORGANIZATIONS SHALL BE ACCOMPLISHED IAW DODI 5525.18, AS WELL AS PARAGRAPH 3 OF ENCLOSURE 3. SPECIFICALLY, CRIMINT MAY BE GATHERED BY DOD LAW ENFORCEMENT AGENCIES AGAINST SPECIFIC INDIVIDUALS OR ORGANIZATIONS ONLY IF THEY ARE REASONABLY SUSPECTED OF BEING POTENTIALLY INVOLVED IN A DEFINABLE CRIMINAL ACTIVITY OR ENTERPRISE AFFECTING DOD INTERESTS, PROVIDED THE RESPECT FOR THE RIGHTS OF THOSE INVOLVED ARE UPHELD IN ACCORDANCE WITH DOD CIVIL LIBERTIES AND PRIVACY ACT PROGRAMS, AS WELL AS ALL OTHER APPLICABLE LAWS AND POLICIES. DODI 5505.17, REGARDING THE COLLECTION, STORAGE AND DISTRIBUTION OF PII, SHALL ALSO BE COMPLIED WITH WHENEVER PII IS ACQUIRED. FURTHER, IN ACCORDANCE WITH DOD DIRECTIVE 5200.27, THE GATHERING OF CRIMINT AND PII REGARDING PERSONS WITHOUT A CONNECTION TO DOD OR THE ABSENCE OF A REASONABLE EXPECTATION OF A THREAT OR DIRECTION OF INTEREST TOWARD DOD PERSONNEL OR FACILITIES, IS ABSOLUTELY PROHIBITED. ANY COLLECTION OF INFORMATION OF THIS NATURE MUST BE BASED ON A CLEAR AND ARTICULABLE DOD NEXUS BETWEEN THE INFORMATION ON THE SUSPECT, THE THREAT OR DIRECTION OF INTEREST, AND THE DOD. IN THE ABSENCE OF A DOD NEXUS, AR 380-13 AND DODD 5200.27 PROHIBIT ANY SUCH COLLECTION. ANY CONFLICTS BETWEEN THE REGULATION AND THE DIRECTIVE SHALL BE RESOLVED IN FAVOR OF THE DIRECTIVE. OVERSIGHT WILL BE ACCOMPLISHED BY THE USARNORTH IG, WITH REPORTS OF VIOLATIONS BEING FORWARDED TO THE USARNORTH OFFICE OF THE STAFF JUDGE ADVOCATE (OSJA) AS SOON AS POSSIBLE THROUGH THE CHAIN OF COMMAND.

4.G.9.F. (U//FOUO) COMMANDERS, KEY STAFF PERSONNEL, AND UNIT PERSONNEL ACQUIRING, HANDLING, STORING, OR DISSEMINATING ANY INFORMATION REGARDING PERSONS NOT AFFILIATED WITH DOD OR THE DEPARTMENT OF THE ARMY SHALL RECEIVE UPDATE OR REFRESHER TRAINING IAW DOD 5200.27 AND AR 380-13 AS WELL AS DODI 5505.17 AND DODI 5525.18. TRAINING SHOULD BE CONDUCTED BY THE UNIT'S SUPPORTING OSJA.

4.G.10. (U//FOUO) DOMESTIC IMAGERY (DI) AND INCIDENT AWARENESS AND ASSESSMENT (IAA).

4.G.10.A. (U//FOUO) DI IS ANY IMAGERY COVERING THE LAND AREAS OF THE UNITED STATES. IAA IS A SUBSET OF DI THAT INCLUDES SECDEF-AUTHORIZED USE OF DOD INTELLIGENCE COMPONENT CAPABILITIES (ICC), SUCH AS INTELLIGENCE, SURVEILLANCE AND RECONNAISSANCE (ISR), FOR DOMESTIC NON-INTELLIGENCE PURPOSES AND ACTIVITIES, INCLUDING SITUATIONAL AWARENESS AND DAMAGE ASSESSMENT DURING DSCA MISSIONS. EITHER A PROPER USE MEMORANDUM (PUM) OR A DI LEGAL REVIEW (DILR) IS REQUIRED FOR ALL DI ACTIVITIES CONDUCTED DURING SOUTHERN BORDER OPERATIONS IN ORDER TO VERIFY COMPLIANCE WITH DOD INTELLIGENCE

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OVERSIGHT, SENSITIVE INFORMATION RULES AND DOMESTIC IMAGERY REQUIREMENTS.

4.G.10.B. (U//FOUO) PUMS ARE DRAFTED BY A UNIT'S G2 PERSONNEL IN COORDINATION WITH THE UNIT'S G3, AND REVIEWED BY THE UNIT'S LEGAL ADVISOR TO ENSURE COMPLIANCE WITH DOD AND NORTHCOM REGULATORY AUTHORITIES AND REQUIREMENTS. PUMS SHOULD THEN BE FORWARDED THROUGH USARNORTH G2 TO NORTHCOM-J23M FOR CONCURRENCE, AND, WHEN NECESSARY, FORWARDED TO THE SECDEF FOR APPROVAL (IN SOME INSTANCES, SECDEF APPROVAL IS INCLUDED IN THE RFF WHEN FORCES ARE REQUESTED IAW THE CJCS DSCA EXORD).

4.G.10.C. (U//FOUO) DILRS SHALL BE COMPLETED BY THE JUDGE ADVOCATE OR LEGAL OFFICE SUPPORTING THE REQUESTING UNIT. DILRS ARE REQUIRED WHEN NON-INTELLIGENCE COMPONENT CAPABILITIES, SUCH AS CIVIL AIR PATROL (CAP) OR OTHER NON-INTELLIGENCE US GOVERNMENT AIRCRAFT, SUCH AS A HELICOPTER, CAPTURE DI AND THE RESULTING PRODUCTS ARE PROCESSED, ANALYZED, EVALUATED, AND DISSEMINATED WITHOUT UTILIZING ICC. UPON RECEIPT OF ALL PERTINENT INFORMATION CONCERNING THE DI MISSION FROM THE UNIT'S G3 AIR OPS OR G3/J3, THE REQUESTING UNIT'S LEGAL ADVISOR WILL PREPARE THE DILR FOR ALL FLIGHTS EXCEPT FOR CAP MISSIONS. UPON COMPLETION BY THE UNIT LEGAL ADVISOR, THE DILR SHALL BE SUBMITTED TO THE USARNORTH OSJA FOR REVIEW AND THEIR LEGAL COORDINATION WITH USARNORTH/G3 AND G2, AS NECESSARY. COPIES OF ALL DILRS SHOULD BE PROVIDED TO USARNORTH OSJA FOR TRACKING, RETENTION, AND HISTORICAL PURPOSES.

4.G.11. (U) UNIFORM CODE OF MILITARY JUSTICE (UCMJ) AND DISCIPLINE OF DOD CIVILIAN EMPLOYEES.

4.G.11.A. (U) THE MILITARY SERVICES AND PARENT UNITS RETAIN ADCON AUTHORITY OVER UNITS OPCON OR TACON TO USNORTHCOM AND/OR USARNORTH. ADCON INCLUDES UMCJ AND COURTS-MARTIAL AUTHORITY. COMMANDERS WHO EXERCISED PRIMARY UCMJ AND COURTS-MARTIAL AUTHORITY OVER TITLE 10 PERSONNEL PRIOR TO DEPLOYMENT FROM HOME STATION, WILL CONTINUE TO EXERCISE THE SAME UCMJ AND COURTS-MARTIAL AUTHORITY OVER SUCH PERSONNEL DURING THE SOUTHERN BORDER MISSION, UNLESS OTHERWISE DIRECTED BY CDRUSNORTHCOM OR OTHER COMPETENT AUTHORITY.

4.G.11.B. (U) COMMANDERS AND SUPERVISORS WILL EXERCISE DISCIPLINARY AUTHORITY OVER ASSIGNED/ATTACHED DOD CIVILIAN PERSONNEL.

4.G.11.C. (U) WHILE ENGAGED IN THE SOUTHERN BORDER MISSION, ALL DOD PERSONNEL ARE SUBJECT TO THE CRIMINAL AND CIVIL JURISDICTION OF THE STATE IN WHICH OPERATING. COMMANDERS WILL COOPERATE WITH LOCAL AUTHORITIES IF ANY DOD PERSONNEL BECOME INVOLVED IN A LOCAL CRIMINAL INCIDENT AND IMMEDIATELY REPORT THE MATTER THROUGH THE CHAIN OF COMMAND TO THE COMMANDER, USARNORTH, ATTN: SJA.

4.G.11.D. (U) ALL DOD PERSONNEL WILL REPORT ACTS OF VIOLENCE SUCH AS HOMICIDES, ASSAULTS, RAPES, ROBBERIES, ABDUCTIONS, AND INSTANCES OF MAYHEM OR CIVIL DISORDER COMMITTED BY OR AGAINST DOD PERSONNEL TO THEIR COMMANDER. COMMANDERS WILL CONDUCT A PRELIMINARY INQUIRY TO DETERMINE THE FACTS AND PRESERVE THE EVIDENCE. IMMEDIATELY REPORT THE INCIDENT THROUGH THE CHAIN OF COMMAND AND

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THE COMMANDER, USARNORTH, ATTN: SJA TO CDRUSNORTHCOM, ATTN: SJA. ALLEGATIONS INVOLVING NON-CONSENTUAL SEXUAL ASSAULT WILL BE REPORTED TO USACIDC AND THE VICTIM REFERRED TO THE SEXUAL ASSAULT RESPONSE COORDINATOR IAW AR 195-2.

4.G.12. (U) **GENERAL ORDER NUMBER ONE.**

4.G.12.A. (U) WHEN DOD MILITARY AND CIVILIAN PERSONNEL ARE PERFORMING A DOD MISSION OFF OF A DOD INSTALLATION, EACH PERSON'S BEHAVIOR MUST BE PROFESSIONAL IN EVERY WAY. THIS WILL ENHANCE THE PUBLIC'S TRUST AND CONFIDENCE AND ASSIST TO GAIN THE FULL MEASURE OF COOPERATION FROM LOCAL, STATE, AND OTHER FEDERAL AGENCIES IN THE ACTIONS DOD FORCES MUST TAKE TO ACCOMPLISH THE MISSION SUCCESSFULLY. EQUALLY IMPORTANT ARE SAFETY MEASURES TO ENSURE FORCE PROTECTION THAT WILL CONTRIBUTE TO EACH INDIVIDUAL'S ABILITY TO PERFORM HIS/HER DUTIES EFFECTIVELY.

4.G.12.B. (U) THE COMMANDER, USARNORTH HAS ISSUED GENERAL ORDER NUMBER ONE, DATED 31 OCTOBER 2018, WHICH IDENTIFIES CONDUCT PREJUDICIAL TO THE MAINTENANCE OF GOOD ORDER AND DISCIPLINE AND MEASURES THAT WILL ENHANCE THE FORCE PROTECTION FOR ALL DOD PERSONNEL PARTICIPATING IN THE SOUTHERN BORDER MISSION UNDER THE COMMAND AND CONTROL OF USARNORTH.

4.G.12.C. (U) THE UNIT COMMANDER OF A SERVICE MEMBER WHO IS INVOLVED IN A VEHICULAR ACCIDENT AS THE DRIVER OF A GSA OR RENTAL VEHICLE WILL IMMEDIATELY CONTACT THE USARNORTH CLAIMS OFFICE AT [REDACTED] TO REPORT THE INCIDENT. THE UNIT COMMANDER WILL FOLLOW-UP THE TELEPHONIC REPORT BY SUBMITTING A COPY OF (1) SF 91 (MOTOR VEHICLE ACCIDENT REPORT), (2) SERIOUS INCIDENT REPORT, AND (3) POLICE REPORT TO THE CLAIMS OFFICE WITHIN SEVEN DAYS VIA E-MAIL AT [REDACTED]

4.G.12.C.1. (U) IT IS RECOMMENDED THAT PICTURES OF DAMAGES TO THE VEHICLE THE SERVICE MEMBER WAS OPERATING, AND PICTURES OF DAMAGES TO ALL OTHER VEHICLES INVOLVED IN THE TRAFFIC ACCIDENT BE TAKEN AND SUBMITTED TO THE CLAIMS OFFICE.

4.G.12.C.2. (U) PRIOR TO SUBMITTING THE SF 91, THE DRIVER'S IMMEDIATE SUPERVISOR MUST COMPLETE AND SIGN BLOCKS 82 AND 83 OF THE SF 91 INDICATING WHETHER OR NOT THE SERVICE MEMBER WAS ON AN AUTHORIZED MISSION/TASK AS THE DRIVER OF THE VEHICLE AT THE TIME OF THE ACCIDENT.

4.G.13. (U) **REPORTING REQUIREMENTS.** IN ADDITION TO THE REPORTS DESCRIBED IN PARAGRAPHS 4.G.4.E., 4.G.9.D., 4.G.11.C., AND 4.G.11.D., ABOVE, ANY LEGAL ISSUE OF JOINT ORIGIN OR THAT AFFECTS THE EXTERNAL RELATIONS OF SOUTHERN BORDER OPERATIONS MUST BE REPORTED THROUGH THE CHAIN OF COMMAND AND THE COMMANDER, USARNORTH, ATTN: SJA TO CDRUSNORTHCOM, ATTN: SJA.

4.G.14. (U) **LEGAL INQUIRIES.** ANY INQUIRIES OF A LEGAL NATURE SHOULD BE DIRECTED TO THE USARNORTH NATIONAL SECURITY LAW (NSL) INBOX AT [REDACTED] AND THE CHIEF OF NSL AT [REDACTED] OR THE SJA REPRESENTATIVE IN THE USARNORTH JOINT OPERATIONS CENTER (JOC) AT [REDACTED]